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are both perpendicularly oriented to said planar surface, and in a manner such that said first and second outer surfaces are spaced apart a predetermined spacing distance, said first and second rectangular metal plate members having peripheral edges with each of said spacer members being spaced inwardly from said peripheral edges;

installing said mounting device into said concrete block wall in place of a conventional concrete block; said mounting device being placed into said concrete block wall in a manner such that said cement cavity of said mounting device is aligned with at least one cement cavity of said concrete block;

providing a cementing slurry; and

pouring said cementing slurry into said cement cavities of said concrete block and said cement cavity of said mounting device.

#### REMARKS

##### *Summary Of Prior Office Action*

In the June 19, 2000 Office Action, claims 1-3, 5-9 and 11-27 were pending with claims 1-3, 5-9 and 11-17, 20 and 23-27 being allowed, and claims 18, 19, 21 and 22 being rejected. Only claims 18 and 21 were rejected in view of prior art. Claims 19 and 22 were indicated as containing allowable subject matter, but rejected under 35 U.S.C. §112. In response, claims 18 and 21 were canceled and claims 19 and 22 were amended to correct the errors. Moreover, Applicant has further amended independent claims 20 and 27 amended to correct the errors and has added new claims 28-46. Reexamination and reconsideration of these rejections are respectfully requested in view of the above-amendments and the following comments.

### ***Status of Claims***

Prior to this amendment, claims 1-3, 5-9 and 11-27 were pending in the above-identified reissue application with claims 1-3, 5-9 and 11-17 being original patent claims and claims 18-27 being new patent claims. As mentioned above, this amendment cancels claims 18 and 21, claims 19, 20, 22 and 27 were amended to correct the errors and new claims 28-46 have been added. Accordingly, after entrance of this Amendment, original patent claims 1-3, 5-9 and 11-17 and new application claims 19, 20 and 22-46 are pending for consideration and examination. Original patent claims 1, 5 and 11 are independent claims. Also new application claims 19, 20, 23, 25, 27, 28, 37 and 46 are independent claims.

### ***Explanation of Support in the Disclosure of the Patent for the Amendments***

The amendments to claim 19 correct obvious errors and are fully supported by the patent in the specification at column 6, lines 63-67, and column 7, lines 1 and 2, in original independent claim 11, and in the drawings at Figure 3. In particular, new claim 19 has been amended to be an independent claim by adding all of the limitations of independent claim 18 and to correct the error noted in the last Office Action. Basically, claim 19 has been amended to recites pair of spacer members instead of "first and second" spacer members.

The amendments to claim 20 correct obvious errors and are fully supported by the patent in the specification at column 7, lines 3-14, and in the drawings at Figures 1 and 6. In particular, new claim 20 has been amended to change "cement block" in the last line of claim 20 to -- concrete block --.

The amendments to claim 22 correct obvious errors. New claim 22 is fully supported by the patent in the specification at column 7, lines 33-39, in original independent claim 11, and in the drawings at Figure 3. In particular, new claim 22 has been amended to correct the

error noted in the last Office Action. Basically, claim 22 has been amended to recites pair of spacer members instead of "first and second" spacer members.

The amendment to claim 27 corrects an obvious error, which is fully supported by original patent claim 17. In particular, claim 27 of the February 1999 amendment has been amended to change delete "a" to before "said" at the fourth from the bottom of the claim.

New independent claim 28 is fully supported by the patent in the specification at column 6, lines 32-67 and column 7, lines 1 and 2 (Claims 1-4), and in the drawings at Figures 1-3. New independent claim 28 is substantially identical to allowed claim 19, except that claim 28 **does not require "end cavities" and does not require plate members to be "one-piece, unitary members"**. Moreover, some of the nomenclature has been changes to simplify the readability of the claim. For example, "reinforcing bar and cement receiving cavity" has been changed to " cement cavity".

Dependent claim 29-36 are fully supported by the patent in the specification at column 4, lines 41-59, column 6, lines 32-56, and in the drawings at Figures 1-3.

New independent 37 is fully supported by the patent in the specification at column 7, lines 3-14, and in the drawings at Figures 1-3, 5 and 6. New independent claim 37 is substantially identical to allowed claim 20, except that claim 37 **does not require "a plurality of vertical reinforcing bars secured to the mounting device", rather only one reinforcing bar is required to pass through the mounting device**. Moreover, some of the nomenclature of claim 37 has been changes to simplify the readability of the claim. For example, "reinforcing bar and cement receiving cavity" has been changed to " cement cavity".

Dependent claim 38-45 are fully supported by the patent in the specification at column 4, lines 41-59, column 6, lines 32-67, and column 7, lines 1 and 2, and in the drawings at Figures 1-3.

New independent 46 is fully supported by the patent in the specification at column 7, lines 40-67, and column 8, lines 1-25, and in the drawings at Figures 1, 3, 5 and 6. New independent claim 46 is substantially identical to allowed claim 27, except that claim 46 has the additional limitation that the **vertical spacers are spaced from the peripheral edges** of the plate members. Moreover, some of the nomenclature of claim 37 has been changes to simplify the readability of the claim. For example, the word "vertical" has been remove before the phrase "spacer members". Also "reinforcing bar and cement receiving cavity" has been changed to " cement cavity".

Accordingly, Applicant believes that the amendments to new claims 19, 20, 22 and 27 are fully supported by U.S. Patent Number 5,649,391 and that no new matter has been added. Also Applicant believes that new claims 28-46 are fully supported by U.S. Patent Number 5,649,391 and that no new matter has been added.

#### ***Objections to the Drawings***

In paragraphs 2 and 3 of the Office Action, the drawings were objected to because the top view in Figures 3 was missing semi-circular lines to designate the cross-section end of bars 22, 24, 26 and 28. In response, Applicant submits herewith Proposed Drawing Corrections which add the cross-section ends of the bars 22, 24, 26 and 28, as required in the Office Action. Thus, Applicant requests approval of these proposed drawing changes.

#### ***Claim Rejections Under 35 U.S.C. §112***

In paragraphs 4 and 5 of the Office Action, claims 19 and 22 stand rejected under 35 U.S.C. §112 as being indefinite. In response, Applicant has amended claims 19 and 22 to

correct these errors. Applicant believes that these amendments to these claims overcomes these rejections. Therefore, withdrawal of these rejections is respectfully requested.

***Claim Rejections Under 35 U.S.C. §102***

In paragraphs 6 and 7 of the Office Action, claim 18 stands rejected under 35 U.S.C. §102(b) in view of U.S. Patent No. 2,205,730 to Morgan. In response, Applicant has canceled independent claim 18 and added the limitations of claim 18 to claim 19. Therefore, withdrawal of this rejection is respectfully requested.

***Claim Rejections Under 35 U.S.C. §103***

In paragraphs 8 and 9 of the Office Action, claim 21 stand rejected in view of U.S. Patent No. 2,205,730 to Morgan. In response, Applicant has canceled independent claim 21. Therefore, withdrawal of this rejection is respectfully requested.

***Allowed Claims***

In paragraph 10 of the Office Action, claims 1-3, 5-9 and 11-17, 20 and 23-27 were indicated as allowed. Applicant wishes to thank the Examiner for the indication of allowability. Applicant has noted an error in claim 17, i.e., the phrase "said first and second vertical spacer members" lack a proper antecedent basis. Accordingly, this error has been corrected. Therefore, Applicant believes that these claims are now allowed.

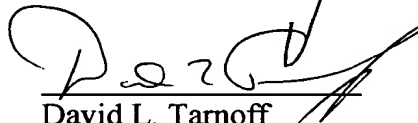
***Allowable Claims***

In paragraph 11 of the Office Action, claims 19 and 22 were indicated as being allowable if rewritten to overcome the rejection under 35 U.S.C. §112, set forth in the Office Action and to include all the limitations of the base claim and any intervening claims. Applicant wishes to thank the Examiner for this indication of allowable subject matter. In response, Applicant has amended claim 19 to place it in independent form. However, claim 22 has not been amended to include the limitations of intervening claim 20 has been allowed.

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By the above amendments to the claims, Applicant is hereby seeking to correct an error in the issued patent. Specifically, in the issued patent the allowed claims were overly narrow and did not adequately claim the disclosed subject matter.

Respectfully submitted,



David L. Tarnoff  
Reg. No. 32,383

Shinju Global IP Counselors, LLP  
1233 Twentieth Street, NW, Suite 700  
Washington, D.C. 20036  
(202) 293-0444

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